APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,975	01/25/2002	James Grey	5150-63600	3875

35690   7590   08/23/2004

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EXAMINER
NGUYEN BA, HOANG VU A

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/056,975	GREY ET AL.
	Examiner	**Art Unit**	
	Hoang-Vu A Nguyen-Ba	2122	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 January 2002</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-13</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-13</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>25 January 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>1/17/03</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the application filed Jan 25, 2002.

2.   The priority date considered for this application is Jan 25, 2002.

3.   Claims 1-13 have been examined.

Drawings

4.   The drawings are objected to because Figures 7B, 7C, 7D, 7F, 7G and 7H

contain legends that are not legible because of a dark background.

        Correction is required.

Claim Objections

5.   Claims 2 and 11 are objected to because of the following informalities: a

conjunction – and – should be added at the end of the limitation (line 5) that precedes

the last limitation to signify that the test executive object includes all the claim

elements listed.

        Appropriate correction is required.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. § 112:

           The specification shall conclude with one or more claims particularly
        pointing out and distinctly claiming the subject matter which the applicant regards as his
        invention.

7.   Claims 7 and 10 are rejected under 35 U.S.C. § 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

Claim 7 recites the limitation "the object information" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites a "memory medium for generating an Extensible Markup Language (XML) representation of a test executive object." It is unclear how a memory medium can generate an XML representation of a test object. It is, however, commonly known in the art to design and manufacture a memory that can instead store program instruction code which is executable by a processor to generate the XML representation of the test executive object.

Correction is required.

Claim Rejections – 35 U.S.C. § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent,
except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or

9.   Claims 1-13 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,505,342 to Hartmann et al. ("Hartmann").

Claims 1 and 10

Hartmann discloses at least:

generating an XML representation for the test executive object in response to receiving the request (see at least 30:47-53).

Hartmann does not specifically disclose *receiving a request for an XML representation of the test executive object*. However, this step is deemed to be inherent to the Hartmann teaching as 30:45-47 shows that the Test Control Center – TCC – provides a user with means for running test cases interactively through a graphical user interface – GUI. Through this GUI, a user could request results to be outputted to XML-formatted files since this XML-formatted output is available in the TCC – 30:47-49.

Claims 2 and 11

The rejection of base claims 1 and 10 is incorporated. Hartmann further discloses *wherein the test executive object comprises one of:*

> *a test executive step object* (see at least 7:34-49);
> *a test executive sequence object* (see at least 2:10-17; 21:19-47);
> *a test executive test result object* (see at least 30:25-27);
> *a test executive type object* (see at least 16:25-26; 23:56 - 24:13).

Claim 3

The rejection of base claim 1 is incorporated. Hartmann does not specifically disclose *wherein said receiving the request for the XML representation of the test executive object comprises receiving an application programming interface (API) call for requesting an XML representation of the test executive object*. However, this step is deemed to be inherent to the Hartmann teaching as 30:45-47 shows that the Test Control Center – TCC – provides a user with means for running test cases interactively through a graphical user

interface – GUI. Without inherent calls to a result output module, test results in XML-formatted files (30:47-49) would not be possible.

Claim 4

The rejection of base claim 1 is incorporated. Hartmann does not specifically disclose:

> *wherein the test executive object includes a first method for requesting an XML representation of the test executive object;*
>
> *wherein said receiving the request for the XML representation of the test executive object comprises receiving an invocation of the first method.* However, these steps are deemed to be inherent to the Hartmann teaching as 30:45-47 shows that the Test Control Center – TCC – provides a user with means for running test cases interactively through a graphical user interface – GUI. Without inherent calls to a result output module, test results in XML-formatted files (30:47-49) would not be possible.

Claims 5 and 12

The rejection of base claims 1 and 10 is incorporated. Hartmann further discloses *wherein said generating the XML representation for the test executive object comprises generating one or more XML files specifying the test executive object* (see at least 30:45-53).

Claims 6 and 13

The rejection of base claims 1 and 10 is incorporated. Hartmann does not specifically disclose *wherein said generating the XML representation for the test executive object comprises generating sufficient XML information to enable an identical object to be reinstantiated in memory.* However, this step is deemed to be inherent to the Hartmann teaching as 30:45-47 shows that the Test Control Center – TCC – provides a user with means for

running test cases interactively through a graphical user interface – GUI. Without the claimed step, test results in XML-formatted files (30:47-49) would not be possible.

Claim 7

The rejection of base claim 1 is incorporated. Hartmann further discloses *wherein said generating the XML representation for the test executive object comprises generating XML information representing only a portion of the object information* (see at least 30:45-53).

Claim 8

The rejection of base claim 1 is incorporated. Hartmann further discloses *transforming the XML representation using an XSL stylesheet* (see at least 30:50-53).

Claim 9

The rejection of base claim 1 and intervening claim 8 is incorporated. further discloses *wherein said transforming the XML representation using an XSL stylesheet comprises creating a view of the test executive object* (see at least 30:50-53).

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (703) 305-0103. The examiner can normally be reached on Tuesday-Friday, 6:00 to 16:15.

     If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

     Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ANTONY NGUYEN-BA
PRIMARY EXAMINER

Art Unit 2122

August 17, 2004